

A

# REVIEW

OF THE

# STATE

OF THE

# BRITISH NATION.

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Thursday, February 23. 1710.

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**I** Have offer'd a Word or two in the Case of poor Insolvents, a Case I have often spoken to, and for Remedy in which a Bill is now depending in the *House of Commons*——I doubt not, but the *House*, mov'd with a just Compassion for the Miserable, whose Number is unusually encreas'd by the Calamity of the Times, will make what Provision they think proper against the Grievance we complain of——But that this Provision may be made effectual to answer the End for which the Parliament are sollicit'd, it seems very necessary, that the Parties, who move for this Bill, should rightly represent both the Mischief and the Cure——And really it is for Want of this, that so many lame Laws

have already been made in this Behalf; most of which, tho' they bear handsome Titles for Relief of Creditors, for Relief of Insolvent Debtors, and the like, yet have been so far from reaching the Root of the Disease, that they have left the Thing worse than they found it.

It is in vain to look back upon the Abuses and Misapplications of these Laws; how Knaves have been deliver'd, and honest Men left behind; how little petty Debtors, that have almost gone to Prison on purpose to come out again, have taken the Advantage of these Acts, to cheat their Creditors of trifling Sums, which they could well enough have paid; and the real Objects of Compassion, of which the Nation is full, and

and who owe their Destruction to the inevitable Disasters of a tedious and to Trade a ruinous War, lie in Misery from Age to Age, and have no Relief or Hope from any of these Laws.

This is just as it is in your Charity, where you relieve the clamouring, noisic, teizing Poor, who lie in the Streets, or at your Doors, and get the small Alms from your Pockets, and the broken Meat from your Kitchens, which Half of them have no Want of, but sell again to be drunk with the Money—Whereas the Misery and Poverty of this Nation lies among poor labouring, diligent Families, oppress'd and sunk by Want of Employment, Sickness, Loss of the Husbands and Fathers that work'd for them, and Numbers of Children—If you would be charitable in earnest, and remove Misery from you—These are the Poor you should be concern'd for; of which hereafter.

So in the Case of Insolvency, here are Petitions from Prisons, and miserable Objects represented every Session of Parliament, and frequent Acts have been made to relieve the naked distress'd Bankrupt—But where is the Mistake? I think 'tis plain—it has lain in the cruel Limitations always hook'd into these Acts, by which the End has been defeated by these Limitations, I mean, Limitation of Sum, and Limitation of Conditions.

1. Limitation of Sum—As if a Man, that own'd ten Thousand Talents, and had not a Penny left to pay 'em, was not as great an Object of Compassion, as he that ow'd but a hundred Pence—The Argument is fair against our Practice; for the great Debtor is the Man to whom this Charity should be shewn—The little Debtor might be oblig'd to work for the Debt, or there being some Probability of his getting wherewith to pay it, might be let out, and a Bond taken to pay, if he became able.

But the Man that is ruin'd in great Business, and whose Debt is too heavy to hope for a Recovery, he lies without any View of the End of his Distress, and pays with his Life the woful Account, he languishes with-

out Hope, and dies a meer Sacrifice to the Resentment of a furious Creditor—Whereas this is the real Object for whom a Law should be made.

2. Limitation of Terms; and this looks back to the late Act for the Bankrupt's Surrender—An Act fairly propos'd to relieve the honest, and punish the knavish Bankrupt—but turn'd to its contrary Extreme by the Art of the Creditor, by a Limitation which I shall only mention, and leave to the Judgment of the most impartial Observers to determine, whether it carries the Face of Justice, usual in our Laws, or no—It was design'd thus, That every Bankrupt should faithfully surrender upon Oath all his Effects *bona Fide*, to the Use of his Creditors—To make as good a Fence against Fraud as possible, it was made Felony for the Bankrupt to conceal any Part of his Effects—The Penalties on his refusing to submit to Examination, or to make this Surrender, were such, that we have not seen one Man dare to refuse it, and at the same time venture to stay in his Native Country; Those that have attempted to avoid it, have been proscrib'd in Print, Reward set on their Heads, and Descriptions given of their Persons, in order to their being apprehended, just as we do with a Thief or a Murderer.

When all this was done, and the Bankrupt had honestly stript himself naked, and left himself nor his Family Bread to eat; what was he to expect?—HIS LIBERTY was his Request, That he might strive to feed his Wife and Children, and if possible recover in the World again—And this was propos'd as the Encouragement to Men to be honest and free in their Discovery.

When the Act had thus brought Creditor and Debtor to a State of just Equality, that the Creditor should command all the Debtor had but his Life—And the Debtor, tho' stript naked, should yet, naked as he was, be free. LOE! And I confess to my Surprise, a Clause is offer'd and pass'd—That the Debtor shall be oblig'd in Manner, and under the Penalties as before, to surrender all upon Oath, and be stript of All



All to the Clothes on his Back — But what yet the Creditor shall keep his Body, starve him, and never let him out of Prison, unless They and Four Fifth Parts of them in Number and Value voluntarily please to agree to it — This is, what, if it were not an *English Law*, I would call barbarous and inhuman, and contrary both to the *Laws of GOD*, and the Usage of all *Christian Nations*.

It is also very remarkable, That while this Act was carrying on in the *House* without these Limitations, it was most warmly oppos'd by some of our Traders, more than ordinarily famous for murdering of Debtors; but as soon as this merciful Limitation was added, whereby the Life of the Debtor is given up into the Hand of the Creditor, these very Gentlemen testify'd,

that they had what they wanted, and not only acquiesc'd in that Act, but solicited its being continu'd, when it was near its Expiration.

And this is now our Case in *England*: The Debtor is first strip'd by his Surrender on Oath, and on the Petil of the Gallows; then put in Prison by the merciless Creditor, to perish and be starv'd, when he has nothing left to pay, and when what he had left to compound with is taken from him.

If any Act of Parliament that is on Foot, relieves the smaller Debtors, and leaves this Case unprovided for, I cannot see any Advantage in it to the Nation, more than there is in relieving the Street Beggar, and leaving the diligent, modest Poor to starve and be undone. I shall explain my self farther in my next.

## MISCELLANEA.

WE are all now waiting the Issue of the Proceedings against the Doctrines of Passive-Obedience and Non-Resistance in the Trial of Dr. *Sacheverell*, in which, without taking any Manner of Notice of that Gentleman, or of the Fate which attends him one way or other, I cannot but observe some very odd Circumstances, which agitate the Minds of the People of this Nation at this time — I shall only mention them here, and speak larger to them, as they come in their Order.

First, The Folly of those Gentlemen, who being Favourers of these absurd Tenents, flatter'd that Gentleman and themselves with such vain Suggestions, as that the Parliament would drop the Thing — That they would not, and sometimes that they could not, and not seldom that they durst not go on with it. These Things I need say no more to than this, after what has been said and done already; (*Viz.*) Of all Men in the Nation you should not have suggested it, since it is apparent, not the *Doktor* only, but the Party espousing those ridiculous

Doctrines, had brought the Parliament almost to a Necessity of going on with it — And they might have easily observ'd, that either the Party must be prosecuted and suppress'd, or the whole Nation must suffer another Revolution.

This made their Suggestion the most plain Delusion that we have seen in this Age, and I wonder, they should be so weak to amuse themselves and their Friends in such a Manner.

And how blank do they look? How silently do they muse over the Votes, after they have read the Resolutions of Replication, and of being present at the Trial of the *Doktor*? How do they reproach one another with their former Notions? — And how yet more dull will they be, when they come to see the Conclusion of this Tragi-Comedy? — When they shall find the Doctrine of Non-Resistance exploded, the Defender of it censor'd, the Future advancing that vile Absurdity threatned, and the Freedom of the Subject to defend his Native Rights asserted, and all this by the united Legislature of *Britain*.